



February 20, 2007

HOUSE BILL No. 1471

DIGEST OF HB 1471 (Updated February 20, 2007 11:16 am - DI 114)

Citations Affected: IC 5-10.

Synopsis: Public safety officers' survivor insurance. Provides that if an employer of a public safety officer provides health insurance for active employees, the employer shall provide and pay for health coverage for the survivors of a public safety officer who dies in the line of duty.

Effective: July 1, 2007.

Lawson L, Tincher, Goodin

January 23, 2007, read first time and referred to Committee on Veterans Affairs and Public Safety.
February 8, 2007, reported — Do Pass. Recommitted to Committee on Ways and Means.
February 20, 2007, amended, reported — Do Pass.

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HB 1471—LS 6654/DI 97+



February 20, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

HOUSE BILL No. 1471

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-10-8-2.2, AS AMENDED BY P.L.2-2005,
2 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2007]: Sec. 2.2. (a) As used in this section, "dependent"
4 means a natural child, **a** stepchild, or **an** adopted child of a public
5 safety employee who:

6 (1) is less than eighteen (18) years of age;

7 (2) is eighteen (18) years of age or older and physically or
8 mentally disabled (using disability guidelines established by the
9 Social Security Administration); or

10 (3) is at least eighteen (18) and less than twenty-three (23) years
11 of age and is enrolled in and regularly attending a secondary
12 school or is a full-time student at an accredited college or
13 university.

14 (b) As used in this section, "public safety employee" means a
15 full-time firefighter, police officer, county police officer, or sheriff.

16 (c) This section applies only to local unit public employers and their
17 public safety employees.

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(d) A local unit public employer may provide programs of group health insurance for its active and retired public safety employees through one (1) of the following methods:

- (1) By purchasing policies of group insurance.
- (2) By establishing self-insurance programs.
- (3) By electing to participate in the local unit group of local units that offer the state employee health plan under section 6.6 of this chapter.

A local unit public employer may provide programs of group insurance other than group health insurance for the local unit public employer's active and retired public safety employees by purchasing policies of group insurance and by establishing self-insurance programs. However, the establishment of a self-insurance program is subject to the approval of the unit's fiscal body.

(e) A local unit public employer may pay a part of the cost of group insurance for its active and retired public safety employees. However, a local unit public employer that provides group life insurance for its active and retired public safety employees shall pay a part of the cost of that insurance.

(f) A local unit public employer may not cancel an insurance contract under this section during the policy term of the contract.

(g) ~~After June 30, 1989,~~ A local unit public employer that provides a group health insurance program for its active public safety employees shall also provide a group health insurance program to the following persons:

- (1) Retired public safety employees.
- (2) Public safety employees who are receiving disability benefits under IC 36-8-6, IC 36-8-7, IC 36-8-7.5, IC 36-8-8, or IC 36-8-10.
- (3) Surviving spouses and dependents of public safety employees who die while in active service or after retirement.

(h) A retired or disabled public safety employee who is eligible for group health insurance coverage under subsection (g)(1) or (g)(2):

- (1) may elect to have the person's spouse, dependents, or spouse and dependents covered under the group health insurance program at the time the person retires or becomes disabled;
- (2) must file a written request for insurance coverage with the employer within ninety (90) days after the person retires or begins receiving disability benefits; and
- (3) must pay an amount equal to the total of the employer's and the employee's premiums for the group health insurance for an active public safety employee (however, the employer may elect to pay any part of the person's premiums).

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(i) Except as provided in **IC 5-10-14**, IC 36-8-6-9.7(f), IC 36-8-6-10.1(h), IC 36-8-7-12.3(g), IC 36-8-7-12.4(j), IC 36-8-7.5-13.7(h), IC 36-8-7.5-14.1(i), IC 36-8-8-13.9(d), IC 36-8-8-14.1(h), and IC 36-8-10-16.5 for a surviving spouse or dependent of a public safety employee who dies in the line of duty, a surviving spouse or dependent who is eligible for group health insurance under subsection (g)(3):

- (1) may elect to continue coverage under the group health insurance program after the death of the public safety employee;
- (2) must file a written request for insurance coverage with the employer within ninety (90) days after the death of the public safety employee; and
- (3) must pay the amount that the public safety employee would have been required to pay under this section for coverage selected by the surviving spouse or dependent (however, the employer may elect to pay any part of the surviving spouse's or ~~dependents'~~ **dependent's** premiums).

(j) A retired or disabled public safety employee's eligibility for group health insurance under this section ends on the earlier of the following:

- (1) When the public safety employee becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.
- (2) When the employer terminates the health insurance program for active public safety employees.

(k) A surviving spouse's eligibility for group health insurance under this section ends on the earliest of the following:

- (1) When the surviving spouse becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.
- (2) When the unit providing the insurance terminates the health insurance program for active public safety employees.
- (3) The date of the surviving spouse's remarriage.
- (4) When health insurance becomes available to the surviving spouse through employment.

(l) A dependent's eligibility for group health insurance under this section ends on the earliest of the following:

- (1) When the dependent becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.
- (2) When the unit providing the insurance terminates the health insurance program for active public safety employees.
- (3) When the dependent no longer meets the criteria set forth in subsection (a).
- (4) When health insurance becomes available to the dependent

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through employment.

(m) A public safety employee who is on leave without pay is entitled to participate for ninety (90) days in any group health insurance program maintained by the local unit public employer for active public safety employees if the public safety employee pays an amount equal to the total of the employer's and the employee's premiums for the insurance. However, the employer may pay all or part of the employer's premium for the insurance.

(n) A local unit public employer may provide group health insurance for retired public safety employees or their spouses not covered by subsections (g) through (l) and may provide group health insurance that contains provisions more favorable to retired public safety employees and their spouses than required by subsections (g) through (l). A local unit public employer may provide group health insurance to a public safety employee who is on leave without pay for a longer period than required by subsection (m), and may continue to pay all or a part of the employer's premium for the insurance while the employee is on leave without pay.

SECTION 2. IC 5-10-14-1, AS ADDED BY P.L.24-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. As used in this chapter, "dies in the line of duty" refers to a death that occurs as a direct result of personal injury or illness resulting from an action that ~~an employee~~; **a public safety officer**, in the ~~employee's~~ **public safety officer's** capacity as ~~an employee~~; **a public safety officer**, is obligated or authorized to perform by rule, regulation, law, or condition of employment. **For purposes of a public safety officer who is an employee (as defined in IC 5-10-13-2), the term includes a death presumed incurred in the line of duty under IC 5-10-13.**

SECTION 3. IC 5-10-14-2, AS ADDED BY P.L.24-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. As used in this chapter, "~~employee~~" means ~~an individual who is employed full time by the state as a state police officer~~; **"employer" refers to the:**

- (1) state agency;
- (2) political subdivision; or
- (3) state educational institution;

that employs a public safety officer.

SECTION 4. IC 5-10-14-2.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2.4. As used in this chapter, "political subdivision" has the meaning set forth in IC 6-3.5-2-1.

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SECTION 5. IC 5-10-14-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 2.5. As used in this chapter, "public safety officer" means an individual who is employed by the state or a political subdivision of the state as:**

(1) a member of a fire department (as defined in IC 36-8-1-8), other than a member described in:

- (A) IC 36-8-7-12.3(g);
- (B) IC 36-8-7-12.4(j);
- (C) IC 36-8-8-13.9(d); or
- (D) IC 36-8-8-14.1(h);

(2) a member of a police department (as defined in IC 36-8-1-9), other than a member described in:

- (A) IC 36-8-6-9.7(f);
- (B) IC 36-8-6-10.1(h);
- (C) IC 36-8-7.5-13.7(h);
- (D) IC 36-8-7.5-14.1(i);
- (E) IC 36-8-8-13.9(d); or
- (F) IC 36-8-8-14.1(h);

(3) a correctional officer (as defined in IC 5-10-10-1.5);

(4) an excise police officer;

(5) a conservation enforcement officer;

(6) a town marshal;

(7) a deputy town marshal;

(8) a state police officer;

(9) a county police officer, other than an officer described in IC 36-8-10-16.5;

(10) a county sheriff, other than a sheriff described in IC 36-8-10-16.5;

(11) a member of a police department of a state educational institution;

(12) a county police reserve officer;

(13) a city police reserve officer;

(14) a probation officer; or

(15) an emergency medical services provider (as defined in IC 16-41-10-1) who is:

(A) employed by a political subdivision; and

(B) not described in:

- (i) IC 36-8-6-9.7(f);
- (ii) IC 36-8-6-10.1(h);
- (iii) IC 36-8-7-12.3(g);
- (iv) IC 36-8-7-12.4(j);

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- (v) IC 36-8-7.5-13.7(h);
- (vi) IC 36-8-7.5-14.1(i);
- (vii) IC 36-8-8-13.9(d);
- (viii) IC 36-8-8-14.1(h);
- (ix) subdivision (1); or
- (x) subdivision (2).

SECTION 6. IC 5-10-14-2.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 2.7. As used in this chapter, "state educational institution" has the meaning set forth in IC 20-12-0.5-1.**

SECTION 7. IC 5-10-14-3, AS ADDED BY P.L.24-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 3. (a) If the state police department an employer of a public safety officer who dies in the line of duty offers health coverage for active employees, the state police department the employer shall, after June 30, 2007, offer to provide and pay for health coverage under the health coverage plan provided for active employees for:**

- (1) the surviving spouse; and
 - (2) each natural child, stepchild, and adopted child;
- of an employee who dies in the line of duty the public safety officer, regardless of whether the public safety officer's death occurs before July 1, 2005; 2007, or on or after July 1, 2005; 2007.**

(b) The health coverage for a surviving natural child, stepchild, or adopted child provided under subsection (a) continues:

- (1) until the child becomes eighteen (18) years of age;
 - (2) if the child is:
 - (A) enrolled in and regularly attending a secondary school; or
 - (B) a full-time student at an accredited college or university;
 until the child becomes twenty-three (23) years of age; or
 - (3) if the child is physically or mentally disabled, until the end of the physical or mental disability;
- whichever period is longest.**

(c) If the state police department an employer offers health coverage to the employer's active employees; public safety officers, the health coverage that the state police department employer provides to a surviving spouse or a natural child, a stepchild, or an adopted child under this section must be at least equal to that offered to active employees; public safety officers.

(d) The state police department's Subject to subsection (e), an employer's offer to provide and pay for health coverage under subsection (a) must remain open as long as: the state police department

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1 continues to offer the health coverage for active employees; and:
2 (1) a surviving spouse is eligible for the health coverage under
3 subsection (a); or
4 (2) a natural child, a stepchild, or an adopted child is eligible for
5 the health coverage under subsections (a) and (b).
6 **(e) When a surviving spouse becomes eligible for Medicare**
7 **coverage as prescribed by 42 U.S.C. 1395 et seq., the health**
8 **coverage provided to the surviving spouse under this section must**
9 **be converted to an insurance policy that is offered primarily to**
10 **provide basic Medicare supplemental coverage (as described in**
11 **IC 27-8-13).**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1471, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

TINCHER, Chair

Committee Vote: yeas 6, nays 2.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1471, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 6, line 13, reset in roman "If".

Page 6, line 13, after "department" insert **"an employer of a public safety officer who dies in the line of duty"**.

Page 6, line 13, reset in roman "offers health".

Page 6, line 14, reset in roman "coverage for active employees,".

Page 6, line 14, delete "After June".

Page 6, line 15, delete "30, 2007,".

Page 6, line 15, delete "of a public safety officer who dies in the line".

Page 6, line 16, delete "of duty".

Page 6, line 16, after "shall" insert ", **after June 30, 2007,**".

Page 6, line 39, delete "An" and insert **"Subject to subsection (e), an"**.

Page 7, after line 4, begin a new paragraph and insert:

"(e) When a surviving spouse becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq., the health coverage provided to the surviving spouse under this section must be converted to an insurance policy that is offered primarily to

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provide basic Medicare supplemental coverage (as described in IC 27-8-13).".

and when so amended that said bill do pass.

(Reference is to HB 1471 as printed February 9, 2007.)

CRAWFORD, Chair

Committee Vote: yeas 18, nays 0.

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